

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

DAVY PETTIGREW,

Plaintiff,

-v-

BAYVIEW SOLUTIONS LLC,

Defendant.

USDC SDNY
DOCUMENT
ELECTRONICALLY FILED
DOC #: _____
DATE FILED: <u>5/13/2025</u>

ORDER OF SERVICE

25-CV-2616 (GHW) (HJR)

HENRY J. RICARDO, United States Magistrate Judge.

Plaintiff, who is appearing *pro se*, brings this action under the Federal Credit Reporting Act, 15 U.S.C. §§ 1681-1681x, the Fair Debt Collection Practices Act, 15 U.S.C. §§ 1692-1692n, and New York State General Business Law § 349, alleging that Defendant Bayview Solutions LLC did not have a permissible purpose when it accessed Plaintiff's Experian consumer report.

By Order dated April 4, 2025, the Court granted Plaintiff's request to proceed *in forma pauperis* ("IFP"), that is, without prepayment of fees. Because Plaintiff has been granted permission to proceed IFP, he is entitled to rely on the Court and the U.S. Marshals Service to effect service. *Walker v. Schult*, 717 F.3d. 119, 123 n.6 (2d Cir. 2013); *see also* 28 U.S.C. § 1915(d) ("The officers of the court shall issue and serve all process . . . in [IFP] cases."); Fed. R. Civ. P. 4(c)(3) (providing that the court must order the Marshals Service to serve if the plaintiff is authorized to proceed IFP)).

By Letter dated May 9, 2025, Plaintiff advised the Court that he obtained a corrected address for service on Defendant. ECF No. 13. Plaintiff also filed an Amended Complaint with the corrected address for service on Defendant. ECF No. 14 ¶ 4.

To allow Plaintiff to effect service on Defendant through the U.S. Marshals Service, the Clerk of Court is instructed to fill out a U.S. Marshals Service Process Receipt and Return form (“USM-285 form”) for Defendant. The Clerk of Court is further instructed to issue a summons and deliver to the Marshals Service all the paperwork necessary for the Marshals Service to effect service upon Defendant.

If the complaint is not served within 90 days after the date the summons is issued,¹ Plaintiff should request an extension of time for service. *See Meilleur v. Strong*, 682 F.3d 56, 63 (2d Cir. 2012) (holding that it is the plaintiff’s responsibility to request an extension of time for service).

Plaintiff must notify the Court in writing if his address changes, and the Court may dismiss the action if Plaintiff fails to do so.

¹ Although Rule 4(m) of the Federal Rules of Civil Procedure generally requires that a summons be served within 90 days of the date the complaint is filed, Plaintiff is proceeding IFP and could not have effected service until the Court reviewed the complaint and ordered that any summonses be issued. The Court therefore extends the time to serve until 90 days after the date any amended summonses issue.

CONCLUSION

The Clerk of Court is instructed to issue an amended summons for Defendant, complete the USM-285 form with the address for Defendant, and deliver all documents necessary to effect service to the U.S. Marshals Service.

SO ORDERED.

Dated: May 13, 2025
New York, New York



Henry J. Ricardo
United States Magistrate Judge

SERVICE ADDRESS FOR EACH DEFENDANT

Bayview Solutions, LLC
c/o Registered Agent Solutions, Inc.
2894 Remington Green Lane, Suite A
Tallahassee, Fl 32308